

<b>NEVADA DEPARTMENT OF CORRECTIONS</b>	<b>SERIES 400 INSTITUTIONAL MANAGEMENT</b>	<b>SUPERSEDES: AR 420 (09/09/02)</b>
<b>ADMINISTRATIVE REGULATIONS MANUAL</b>	<b>ADMINISTRATIVE REGULATIONS 420 INMATE DEATH OR SERIOUS INJURY PROCEDURE</b>	<b>EFFECTIVE DATE: 10/10/03</b>

## TABLE OF CONTENTS

### PURPOSE

### AUTHORITY

### RESPONSIBILITY

### DEFINITIONS

### APPLICABILITY

### PROCEDURES

<u>420.01</u>	INMATE DEATHS OR SERIOUS INJURY PROCEDURE - DISCOVERY
<u>420.02</u>	DEATH OR SERIOUS INJURY DURING NON-BUSINESS HOURS
<u>420.03</u>	DEATHS OR SERIOUS INJURY DURING REGULAR BUSINESS HOURS
<u>420.04</u>	DUTIES OF OTHER EMPLOYEES
<u>420.05</u>	DEATHS OCCURRING AT A PLACE REMOTE FROM AN INSTITUTION
<u>420.06</u>	DISPOSITION OF THE DECEASED INMATE'S PROPERTY
<u>420.07</u>	INMATE DONATION OF REMAINS FOR ANATOMICAL PURPOSES
<u>420.08</u>	FUNERAL EXPENSES
<u>420.09</u>	AUTOPSIES OR POST-MORTEM EXAMINATIONS
<u>420.10</u>	DOCUMENTATION
<u>420.11</u>	NOTIFICATION OF NEXT-OF-KIN

### REFERENCES

### ATTACHMENTS

### MANDATORY REVIEW DATE

09/09/04

## PURPOSE

To establish guidelines for Department personnel for use in the event of the death or serious injury of an inmate and the notification of the next-of-kin in such instances.

## **AUTHORITY**

NRS 134.120  
NRS 209.131  
NRS 450B  
NRS 451.400  
Nevada Administrative Code

## **RESPONSIBILITY**

All Department staff involved are responsible to have knowledge of and comply with this procedure.

## **DEFINITIONS**

**ADMINISTRATIVE OFFICER OF THE DAY (AOD)** – A designated administrator, who will be notified by the institution/facility of any unusual incident during off-duty hours, weekends and holidays, facilitates communication and advises the institution/facility on-duty supervisors.

**CORONER** – A public officer whose chief duty is to determine by inquest the cause of death not obviously due to natural causes.

**NEXT-OF-KIN** – The person entitled to inherit pursuant to Nevada Law. This may or may not be the person listed as to be notified in case of death or serious injury.

## **APPLICABILITY**

This regulation will apply to all personnel of the Department in the event of an inmate death or serious injury.

## **PROCEDURES**

### **420.01 INMATE DEATHS OR SERIOUS INJURY PROCEDURE - DISCOVERY**

1.1 The first staff person, who discovers a dead body, crime scene, or evidence related to a crime, shall take every precaution to assure that all evidence is protected.

1.2 Upon discovery of a deceased inmate, the Shift Supervisor shall be notified immediately. The immediate area shall be secured and no one, other than a medical staff member, will be allowed to enter until the coroner or law enforcement officials arrive.

1.3 Common sense and humane treatment shall prevail.

- If an inmate who is hanging, he shall be cut down; however, any ligature shall remain on the body, whenever possible.

- The body shall not be left unattended.
- No item shall be moved from or about the secured area.

1.4 Photographs and videotaping of the scene shall be taken following the guidelines established in the Department's Administrative Regulation 458.

1.5 A comprehensive incident report shall be written by the staff person who discovers the body prior to that staff member leaving the institution/facility.

1.6 Medical personnel, upon notification, shall proceed to the scene and confirm the death, but will in no way disturb the scene or any of the evidence.

- Only a Doctor of Medicine, a Doctor of Osteopathic Medicine, the Coroner, or a Coroner's Deputy can pronounce a person dead.
- In the event a medical officer is not available, arrangement shall be made to contact the Department on-call health care professional to examine the body and determine death.

1.7 The Lieutenant or other senior officer in charge shall have the primary responsibility of assuring that nothing is moved or tampered with, including the complete preservation of the scene, prior to the arrival of the Coroner. Upon the arrival of the Coroner, staff shall assist and cooperate with the investigation as is appropriate and necessary.

1.8 After obtaining permission from the Coroner and after the investigation is completed; the body of the deceased shall be covered and removed to the morgue, mortuary, or private room in the infirmary.

1.8.1 If the death is an apparent suicide (which will be considered an unresolved death) or if the death is under suspicious circumstances, the Coroner shall be instructed to inform the morgue/mortuary that the body is not to be embalmed until a full and complete criminal investigation is conducted.

1.8.2 Bodies shall be removed as expeditiously as circumstances will permit.

1.9 Investigation of crimes involving great bodily injury or homicides shall be coordinated between the Department and relevant law enforcement officials.

1.9.1 The sheriff's office may be requested to assist in appropriate aspects of the investigation, as circumstances require.

1.9.2 Requests for assistance from the Nevada Division of Investigations in regard to homicides shall be coordinated by the Department and local sheriff's office.

1.10 Employees of the Department are directed to assist the coroner or local law enforcement in the investigation as is appropriate and to cooperate in every way necessary.

1.11 States housing contract and interstate compact inmates in the Department will be notified by the Offender management Division Administrator.

#### **420.02 DEATH OR SERIOUS INJURY DURING NON-BUSINESS HOURS**

1.1 The Shift Commander shall immediately notify the following, in order, when a death or serious injury occurs during non-business hours:

1.1.1 On-duty medical staff;

1.1.2 Associate Wardens of Operations/Facility Manager;

1.1.3 Local Police Department or Sheriff;

1.1.4 Institutional Investigator and Inspector General's Office;

1.1.5 Warden;

- The Warden shall immediately notify the Director, and Assistant Director of Operations.

1.1.6 Administrative Officer of the Day (AOD);

1.1.7 The Administration of the Offender Management Division (OMD) if there is a death. The AOD is responsible for notifying the OMD of all inmate deaths as soon as practical on the next working day.

- The OMD Administrator will notify the Department's Statistician;

1.1.8 The Coroner, if there is a death;

1.1.9 The Chaplain, who shall notify the next-of-kin; and

1.1.10 The Office of the Attorney General's Criminal Division shall be notified within 24 hours in the case of suspicious death by the staff of the Inspector General's Office.

#### **420.03 DEATHS OR SERIOUS INJURY DURING REGULAR BUSINESS HOURS**

1.1 If a death occurs in one of the institutions during regular business hours, the Shift Commander shall immediately notify the following in sequential order:

- On-duty medical staff;

- Associate Warden of Programs/Facility Manager;
- Institutional Investigator and Inspector General's Office;
- Local Police Department or Sheriff;
- Warden;
- The Warden shall immediately notify the Director or Assistant Director of Operations;
- The Administrator of the Offender Management Division;
- The Chaplain who shall notify the next-of-kin;
- The Department of Public Information Officer shall notify the press following verification that the next-of-kin has been notified or cannot be located.
- The Office of the Attorney General's Criminal Division shall be notified within 24 hours in the case of suspicious death by staff of the Inspector General's Office.

#### **420.04 DUTIES OF OTHERS**

##### **1.1 Physician**

1.1.1 The coroner, in consultation with the physician, shall determine if the death was caused by natural causes or unnatural causes or if suspicious circumstances exist.

1.1.2 If the death was by unnatural causes or if suspicious circumstances exist, the physician shall direct that the Sheriff and the Attorney General's office be notified.

1.1.3 The body shall not be moved except at the direction of the coroner and upon the completion of the investigation.

##### **1.2 Coroner**

1.2.1 In the case of a death, the body shall be released only upon instructions from the coroner.

1.2.1 Prior to the removal of the deceased from institutional grounds, the coroner shall sign a body receipt for the remains.

##### **1.3 Institutional Warden, Facility Manager, or AOD**

1.3.1 Initiate an investigation or other custody measures as indicated.

1.3.2 The Director/Warden may request of the coroner that an inquest be held. However, the final decision rests with the coroner who has the sole legal responsibility for calling an inquest.

1.3.3 Make appropriate notifications as outlined in Sections 420.04 1.2 and 1.4 of this regulation.

#### 1.4 Associate Warden of Programs

1.4.1 Upon receiving information that an inmate has died, the Associate Warden of Programs shall assure that all available records, including the "I" file, medical records, mail, and visiting records are secured.

1.4.2 Ensure that the Chaplain has access to the list of names, relationships, and addresses of relative and friends to be notified in time of death as indicated previously by the inmate.

1.4.3 Other duties as assigned.

#### 1.5 Associate Warden of Operations

1.5.1 Ensure all reports are received and an incident report is submitted.

1.5.2 Prior to the release of the body, that the inmate is positively identified.

1.5.3 Coordinates the Department's and other agencies activities.

1.5.4 Other duties as assigned.

#### 1.6 Chaplain:

1.6.1 The Chaplain shall attempt to inform the descendant's next-of-kin by telephone or by sending the prescribed telegram.

1.6.1.1 When the Chaplain is not available, the Associate Warden of Programs or designee shall notify the next-of-kin.

1.6.1.2 The next-of-kin information shall be maintained and updated every six months by the institution/facility staff during the inmate's periodic classification review.

1.7 If the death was by natural causes, the Associate Warden of Operations shall direct that the contract mortuary be contacted.

1.8 The Offender Management Division Administrator will notify the Department's Statistician to obtain the death certificate.

## **420.05 DEATHS OCCURRING AT A PLACE REMOTE FROM AN INSTITUTION**

1.1 If a death occurs in a camp, while fighting fire, or while in transit between institutions, the Department of Corrections' officer in charge shall take the following actions:

1.1.1 Proper custodial support shall be summoned as appropriate to the situation.

1.1.2 The nearest available physician shall be called in to pronounce the death.

1.1.3 The local coroner must be notified and his instructions followed.

1.1.4 The Administrator of Offender Management Division and the Warden of the gatekeeper institution, if applicable, shall be notified by telephone and further instructions requested.

1.1.5 All local officials, as required, shall be notified.

1.1.6 A complete final report containing circumstances, investigations, all arrangements, etc., shall be submitted to the Warden of the gatekeeper institution, if applicable.

## **420.06 DISPOSITION OF THE DECEASED INMATE'S PROPERTY**

1.1 The property of the deceased inmate shall be immediately secured, inventoried, and placed in a safe storage at the institution or facility.

1.2 If all or part of the inmate's property is required for an investigation into the circumstances of the death, that property shall be accounted for by receipt to the investigative agency.

1.3 The Associate Warden of Programs or Facility Manager shall conduct such inquiry necessary to determine if that inmate died with or without a will. The Chaplain may be asked to help with this inquiry.

1.4 If a will exists, the inmate's property and any money on their account, after deductions, with the Department shall be released to the executor of the estate by the Associate Warden of Programs or the Facility Manager, but only after any investigations are complete.

- Funds received after the inmate's death will be returned to sender.
- Distribution of dividends and other income received after the inmate's death will be determined on a case-by-case basis.

1.5 When an Inmate Dies

1.5.1 Without a known will, the inmate's property and any money on their account with the Department shall be released to the next-of-kin.

1.5.1.1 The Associate Warden of Programs/Facility Manager is responsible to coordinate the release of these funds/property.

1.5.1.2 All investigations shall be completed prior to the release of these funds/property.

1.5.1.3 The Associate Warden of Programs, Facility Manager, the Administrator of the Offender Management Division and the Office of the Attorney General (see NRS 134.120, Chapter 54) shall determine the appropriate distribution of all funds and property.

1.5.2 Without a known will and no known next-of-kin, the accounts of the inmate shall remain frozen and the property held in safe storage.

1.6 Whether an inmate dies with or without a will and the inmate's property and funds are valued under \$20,000, per NRS 146.080, the Affidavit of Distribution without Administration requires the signature of the next-of-kin prior to distribution of funds and/or property.

1.6.1 The original document shall be placed in the C-File.

1.6.2 One copy shall be placed in the I-File.

1.6.3 One copy shall remain with the property records.

1.6.4 One copy shall be forwarded to Inmate Services.

1.7 The Associate Warden of Programs or the Facility Manager shall prepare documentation that serves to facilitate these actions and to record the results.

#### **420.07 INMATE DONATION OF REMAINS FOR ANATOMICAL PURPOSES**

1.1 Inmates may, if they choose, sign Consent - Anatomical Disposition, DOC-2567, authorizing release of the inmate's body in the event of death to the School of Medical Science, University of Nevada, Reno.

- The acceptance shall be governed by the laws of the Uniform Anatomical Gift Act, NRS 451.440.

1.2 Heirs of a deceased inmate may authorize release of the body for medical science according to the laws of the Uniform Anatomical Gift Act. Form DOC-2567) Consent - Anatomical Disposition, is available for this purpose.



## **420.08 FUNERAL EXPENSES**

1.1 When the family elects to claim the body of a deceased inmate, they shall be responsible for all costs incurred. The Department may, upon approval of the Director or Assistant Director of Fiscal Services, pay for shipping costs of the body if the costs are less than cremation expenses.

1.2 In the event the family declines to claim the body, Department will only pay for cremation costs for deceased inmate.

## **420.09 AUTOPSIES OR POST-MORTEM EXAMINATIONS**

1.1 It is the responsibility of the coroner to authorize an autopsy in the event of suicide, homicide, accidental death, unattended death, or death under suspicious circumstances.

## **420.10 DOCUMENTATION**

1.1 Records and reports required for deaths occurring on Department's property, or during official absences from the institution, shall meet the following requirements:

1.1.1 All institutional personnel who possess information regarding the circumstances surrounding the death shall submit a report to the Institutional Warden/Facility Manager. These reports shall be completed using a standard memorandum form.

1.1.2 The following personnel shall submit reports:

1.1.2.1 Any staff member who was on the scene at the time of an incident that possibly related to the death.

1.1.2.2 Any staff member discovering the body.

1.1.2.3 Any medical personnel who attempted life-saving emergency treatment, including Form DOC-2514, Medical Report of Incident, Injury or Unusual Occurrence.

1.1.3 All reports shall be dated and signed by the employee and shall be completed as soon as possible. Reports shall be as specific as possible, listing the employee's role, names of other persons on the scene, observations, and timing of events.

1.1.4 It is the responsibility of the Offender Management Division to obtain a death certificate, which will be placed in C-File.

1.1.4.1 A copy will be forwarded to Inmate Services.

1.1.4.2 A copy will be forwarded to Department Accounting.

1.1.4.3 A copy will be forwarded to the institution/facility when the inmate died.

#### **420.11 NOTIFICATION OF NEXT-OF-KIN**

1.1 Whenever an inmate becomes seriously ill, requires surgery, or experiences a serious accident, the Medical staff shall notify the Warden, Associate Warden or a designee. The Warden, Associate Warden or designee shall notify the Institutional Chaplain. The Institutional Chaplain shall notify the family or next-of-kin. In the absence of a chaplain, the Associate Warden of Programs or other administrator trained in crisis intervention and counseling shall make such contact. **(3-4374)**

1.2 Upon the death or serious injury of an inmate, and after receiving the approval of the Warden, the Chaplain or other designee as noted above shall notify the next-of-kin of the death. **(3-4375)**

1.2.1 Communication with the next-of-kin shall take place as rapidly as possible by the use of telephone or other methods.

1.2.2 The communication with the next-of-kin shall be tactfully worded and offer consolation.

1.2.3 Prior to making contact with the next-of-kin, the Chaplain or other designee shall contact the Warden to determine if there is information needed by the Department in regard to the deceased or their burial.

1.2.4 With approval from the Warden, the Chaplain/designee may notify the next-of-kin of the nature and cause of death, and the address of the coroner's office for the purpose of claiming the deceased remains. The next-of-kin of the deceased inmate may authorize the release of the body for medical science according to NRS 451.440 by completing the appropriate form.

1.2.5 Commensurate with the above guidelines, the Chaplain/designee shall keep the Warden, AOD, Shift Commander, or counselor informed of the success (or failure) of their contacts.

1.2.6 The Associate Warden of Programs or Facility Manager shall coordinate the disbursement of the deceased property and trust account funds as outlined in 420.06 of this Regulation.

1.3 The Warden shall forward a letter to the next-of-kin within one week of the inmate's death. The letter shall express condolence and refer the next-of-kin to the Associate Warden of Programs or Facility Manager for the disbursement and distribution of personal property.

1.4 To assure accurate information is available to administration at the time of illness or death of an inmate, it is imperative that the "Next-of-Kin" form be maintained and updated in the Institutional file. This information shall be entered at the initial intake process and shall be updated by counselors at all regular reclassification hearings.

## REFERENCES

ACA Standards 3-4374, 3-4375

## ATTACHMENTS

	Affidavit of Distribution Without Administration
DOC-2514	Medical Report of Incident, Injury or Unusual Occurrence
DOC-2567	Will Form for the Disposition of Remains for Anatomical Purposes

\_\_\_\_\_  
Jackie Crawford, Director

\_\_\_\_\_  
Date

**CONFIDENTIAL**

        
Yes

XX  
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.**